UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,956	08/21/2001	Ramesh R. Sarukkai	YAHOO-01007US0	7521

23910 7590 09/27/2005

FLIESLER MEYER, LLP
FOUR EMBARCADERO CENTER
SUITE 400
SAN FRANCISCO, CA 94111

EXAMINER	
WOZNIAK, JAMES S	

ART UNIT	PAPER NUMBER
2655	

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/933,956	SARUKKAI, RAMESH R.	
	Examiner	Art Unit	
	James S. Wozniak	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 July 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7,8,10-14,26,28 and 30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7,8,10-14,26,28 and 30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

BY

DETAILED ACTION

Response to Amendment

1. In response to the office action from 4/14/2005, the applicant has submitted an amendment, filed 7/14/2005, amending claims 1, 26, and 28, while canceling claims 6, 9, 27, and 29 and arguing to traverse the art rejection based on the limitations regarding caching an intermediate information format and audio information tags that uniquely identify audio information to a voice browser (Amendment, Pages 7-8). Applicant's arguments have been fully considered, however the previous rejection, altered only with respect to the amended claims and maintained due to the reasons listed below in the response to arguments.

2. Based on the amendment of claim 28, the examiner has withdrawn the previous objection directed towards a lack of proper antecedent basis.

Response to Arguments

3. Applicant's arguments have been fully considered but they are not persuasive for the following reasons:

With respect to **Claim 1**, the applicant argues that Ladd et al (U.S. Patent: 6,269,336) fails to teach caching an intermediary form of information *(Amendment, Page 8)*, however the examiner notes that it is the combination of Ladd and Uppaluru (U.S. Patent: 5,915,001) that

teaches such a limitation. Ladd teaches generating and storing an intermediary format of voice browser information through the use of a parser *(Col. 12, Lines 15-24;and Col. 15, Line 60- Col. 16, Line 28)*. As noted in the previous office action (Page 5), Ladd does not specifically suggest storing voice browser data in a cache, however, as also previously noted *(prior office action, Pages 5-6)* Uppaluru teaches the use of a cache in storing voice browser data *(Col. 14, Lines 1-9)*. The use of such a cache provides the benefit of implementing a more efficient means of obtaining voice web data by allowing for the reuse of voice web page data *(Col. 14, Lines 1-9)*. Thus, it is the combination of Ladd and Uppaluru that provides the teaching of caching an intermediary form of information.

With respect to **Claim 8**, the applicant argues that none of the prior art teaches generating an array representing the information (Amendment, Page 7), however the examiner points out that Ladd teaches the generation of intermediary voice browser data through the use of a parser *(Col. 12, Lines 15-24;and Col. 15, Line 60- Col. 16, Line 28)*. The parsing operation taught by Ladd results in ordered array of intermediary voice browser data in the form of a parse tree or other hierarchical structure *(Col. 12, Lines 15-24)*. Thus, since Ladd teaches an ordered array of intermediary voice browser data in the form of a parse tree or other hierarchical structure, claim 8 remains rejected.

With respect to **Claim 26**, the applicant argues that the prior art of record fails to teach a prerecorded audio information tag uniquely identifying the audio information to the voice browser *(Amendment, Page 8)*, however the examiner points out that Ladd teaches dialog step name tags that uniquely identify prompts to a voice browser (Col. 15, Lines 60-64; Col. 16 Lines

29-40; and Fig. 6). Thus, since Ladd teaches dialog state name tags that uniquely identify prompts to a voice browser, claim 26 remains rejected.

With respect to **Claim 28**, the applicant argues that the prior art of record fails to teach periodically updating prerecorded audio information *(Amendment, Page 8)*, however the examiner points out that Ladd teaches a means for updating a current dialog prompt step in a voice browser (Col. 13, Lines 61-65). Thus, since Ladd teaches periodically updating prerecorded audio (prompt) steps (information), claim 28 remains rejected.

The remaining dependent claims are argued as further limiting a rejected independent claim *(Amendment, Pages 7-8)*, and thus, also remain rejected.

Claim Objections

4. **Claims 7-8 and 30** are objected to because of the following informalities:

In claims 7 and 8, line 1, "the method of claim 6" should be changed to --the method of claim 1-- in order to provide proper antecedent basis.

In claim 30, line 1, "the apparatus of claim 29" should be changed to --the apparatus of claim 26-- in order to provide proper antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 26, 28, and 30** are rejected under 35 U.S.C. 102(e) as being anticipated by Ladd et al *(U.S. Patent: 6,269,336)*.

With respect to **Claim 26**, Ladd discloses:

A voice browser *(Fig. 3, Element 250)*; and,

A prompt audio object generating audio in response to a request *(Col. 10, Line 58- Col. 11, Line 11, Col. 10, Lines 13-21)*, wherein the prompt object includes prerecorded audio information *(Col. 15, Lines 60-64; Col. 10, Line 58- Col. 11, Line 11; Col. 10, Lines 13-21)* and tags uniquely identifying the audio information to the voice browser *(Col. 15, Lines 60-64; Col. 16, Lines 29-40; and Fig. 6)*.

With respect to **Claim 28**, Ladd discloses:

The prerecorded audio information is periodically updated *(Col. 13, Lines 61-65)*.

With respect to **Claim 30**, Ladd discloses location and dialog tag information (Col. 16, Lines 29-40), as well as device information tags *(Col. 24, Lines 1-8)*.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. **Claims 1-5, 7-8, and 10-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladd et al *(U.S. Patent: 6,269,336)* in view of Uppaluru *(U.S. Patent: 5,915,001)*.

With respect to **Claim 1**, Ladd discloses:

Receiving an audio request for information *(Col. 4, Lines 37-49; Fig. 2, Element 156; Col. 10, Lines 12-21)*;

Obtaining the information *(Col. 10, Line 58- Col. 11, Line 11)*; and,

Executing the obtained information *(Col 9, Lines 11-27)*.

Ladd does not specifically suggest storing voice browser data in a cache, however Uppaluru teaches storing voice web page data in a cache *(Col. 14, Lines 1-9)*.

Ladd and Uppaluru are analogous art because they are from a similar field of endeavor in voice-enabled browsers. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Ladd with the use of a cache for storing voice web page data as taught by Uppaluru to provide a more efficient means of obtaining voice web data by providing for the reuse of a generated voice web page data stored in a cache *(Uppaluru, Col. 14, Lines 1-9)*.

With respect to **Claim 2**, Ladd discloses:

The communication device is a cellular telephone *(Col. 6, Lines 37-49)*.

With respect to **Claim 3**, Ladd discloses:

The communication device is a standard telephone *(Col. 6, Lines 37-49)*.

With respect to **Claim 4**, Ladd discloses:

The communication device is a personal digital assistant *(Col. 7, Lines 25-33)*.

With respect to **Claim 5**, Ladd discloses:

Parsing the information subsequent to obtaining the information *(Col. 12, Lines 15-24)*.

With respect to **Claim 7**, Ladd discloses:

Encoding an XML tag in the intermediary form *(Col. 16, Lines 29-40; Col. 5, Lines 8-11)*; and

Encoding a tag state in the intermediary form (start, end, and dialog tags, Col. 16, Lines 29-40).

With respect to **Claim 8**, Ladd discloses:

Generating an array representing the information *(Col. 12, Lines 15-24)*.

With respect to **Claim 10**, Uppaluru further discloses:

Determining whether the information is stored in a cache and wherein the step of obtaining obtains the information from the cache *(reusing generated voice web page data stored in a cache that would require an inherent data detection step, Col. 14, Lines 1-9)*.

With respect to **Claim 11**, Ladd teaches the method of voice browsing capable of generating an intermediary data form as applied to Claim 6. Ladd also teaches storing a generated intermediary data form *(Col. 13, Lines 63-65)*, while Uppaluru teaches storing

generated voice web page data in a cache for the benefit of providing a more efficient means of obtaining voice web data as applied to Claim 1.

With respect to **Claim 12**, Ladd discloses:

Parsing the information subsequent to the step of obtaining *(Col. 15, Line 60- Col. 16, Line 28; Col. 12, Lines 15-24)*; and,

Generating an intermediary from of the parsed information *(tree, Col. 15, Lines 15-24)*.

With respect to **Claim 13**, Ladd discloses:

Converting the information into audio *(Col. 9, Lines 11-27)*; and,

Playing the audio *(Col. 9, Lines 11-27)*.

With respect to **Claim 14**, Ladd discloses:

The step of executing includes returning an audio prompt *(Col. 14, Lines 10-56)*.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Dvorak (U.S. Patent: 5,884,266)- teaches a system that generates an intermediate document format before performing speech synthesis.

Picard et al (U.S. Patent: 6,233,318)- teaches a means for storing voice data in a cache that has been converted into an intermediary form.

Dodrill et al *(U.S. Patent: 6,490,564)*- teaches an XML tag specifying a prerecorded voice browser prompt.

Profit et al *(U.S. Patent: 6,636,831)*- teaches a speech-enabled web browser featuring tags corresponding to voice prompts.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Wozniak whose telephone number is (571) 272-7632. The examiner can normally be reached on M-Th, 7:30-5:00, F, 7:30-4, Off Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James S. Wozniak
8/16/2005

W. R. YOUNG
PRIMARY EXAMINER